



City of Riverside, California
Personnel Policy and Procedure Manual

Approved:

Human Resources Director

City Manager

Number: IV-1 Effective Date: 09/01

SUBJECT: HARASSMENT FREE WORKPLACE

PURPOSE:

To establish a policy regarding discriminatory and/or sexual harassment ("Harassment") in City employment, and to set forth procedural guidelines for the resolution of complaints of harassment.

DEFINITIONS:

Harassment - Harassment may be verbal, physical, visual, or sexual. It may be made in general or directed to an individual, or to a group of people. Harassment may occur regardless of whether the behavior was intended to harass. General forms of harassment on the basis of race, religion, color, national origin, ancestry, physical handicap, medical condition, pregnancy, marital status, sex, sexual orientation, and age include, but are not limited to:

Verbal - Examples are epithets, derogatory comments, or slurs.

Physical - Examples are assault, impeding or blocking movement, unwelcome touching, leering, or any physical interference with normal work or movement when directed at an individual.

Visual - Examples are derogatory, prejudicial, stereotypical, or otherwise offensive posters, photographs, cartoons, notes, notices, bulletins, or drawings.

Sexual - Examples are unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature. These examples constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;
2. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Retaliation - Retaliation is, but is not limited to, discipline, transfer, or denial of promotional opportunity, training, or assignment to an employee, after he or she has filed a complaint or participated in an investigation.

POLICY:

1. No Tolerance:

The City of Riverside is committed to providing a work environment that is free from harassment in accordance with state and federal law. Discriminatory and/or sexual harassment of any person by a City employee, or against a City employee shall not be tolerated. Absolutely no one is authorized to engage in conduct prohibited by this policy. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training. Disciplinary action up to and including termination shall be instituted against any employee who engages in behavior described in the definitions of discriminatory and/or sexual harassment as set forth above. All complaints will be thoroughly investigated. If the allegations are substantiated, prompt and effective remedial action will be taken.

2. No Retaliation:

No one shall be retaliated against for reporting conduct believed to be a violation of this policy. Any retaliation against a person for a complaint of harassment is prohibited. No influence will be used to suppress any complaint, and no employee will be subject to retaliation or reprisal for filing a complaint or cooperating in any investigation. Employees found retaliating shall be subject to disciplinary action up to and including termination.

3. Responsibility:

Any employee who witnesses an incident of harassment is obligated to report it to the harasser's supervisor or to the Human Resources Department. Each employee is responsible to see that the work environment is free from all types of harassment including, but not limited to, sexual harassment. Third party non-participants or witnesses may file harassment complaints if they are offended by the conduct of others or are denied employment opportunities due to the sexual "bargaining" of others.

Management and supervisors are responsible for taking prompt, appropriate action to avoid harassment.

Individual employees may be held personally responsible for acts of harassment, which may lead to civil action, as well as disciplinary action, up to and including termination of employment by the City.

4. Contractor/Vendor/Public Incidents:

When an agent, employee, or representative of a vendor, firm, or contractor, or a member of the public such as a customer, is alleged to have engaged in harassment against a City employee, the harassed employee and any employee witnessing the incident have the responsibility to report the incident to the harassed employee's supervisor or the Human Resources Department. The City of Riverside shall take steps as are within its power to investigate and eliminate this form of harassment.

5. Complaint Process Options:

The City of Riverside is committed to investigate all charges of harassment and in taking whatever steps are necessary to see that the harassing behavior is stopped. Whenever possible, employees who believe they are experiencing harassment in the work environment are encouraged to inform the perpetrator that his or her behavior is unwelcome, offensive, or inappropriate. If the behavior continues, or if the employee feels uncomfortable, threatened, or has difficulty expressing his or her concern, assistance or counseling should be sought from a supervisor or the Human Resources Department.

A. Complaint Resolution:

To accommodate the unique nature of harassment complaints, a process is provided for the primary purpose of resolution of a complaint at the earliest possible date. Elements of this process are:

1. Human Resources Director/Department Head

- a) Authorizes investigation of the complaint.
- b) Reviews factual information collected to determine whether the alleged conduct constitutes harassment, giving consideration to the record as a whole and the totality of circumstances, including the nature of the harassment and the context in which the alleged incidents occurred.
- c) Take and/or authorizes appropriate, effective and timely action.

2. Complaint Advisor - The City's Human Resources staff shall be available to receive harassment complaints. Functions of the complaint advisor shall be to:

- a) Counsel the employee and outline the options available.
- b) Obtain a factual written statement of the complaint and present it to the Human Resources Director and affected department head.
- c) Conduct an investigation, interviewing complainant, accused, witnesses, and supervisor as appropriate.
- d) Recommend the disposition of the complaint.

3. City Manager - Ensures compliance with the City's harassment policy in an expedient manner.
4. Confidentiality - Effort shall be made to protect the privacy of parties involved in a complaint.

B. Complaint Resolution (Grievance):

Grievance procedures of the City are available for resolution of complaints alleging harassment that result in a grievable event, or if the complaint is not adjusted to the satisfaction of the employee in the process described above.

1. Extension of Time Requirements - Time limits specified in the grievance procedures shall be extended if a harassment complaint is initiated within the applicable time limits for filing a grievance. In these instances, the time limits for filing a grievance shall begin as of the date of notification of action taken by the Human Resources Director/Department Head.

If the employee does not initiate the complaint resolution procedures described above within the time limits of the applicable grievance procedure, the Human Resources Director or designee may recommend extension of the filing deadline for a grievance. It should be noted that the City requests to be notified of any complaint alleging harassment as soon as possible after it occurs.

2. Waiver-of Informal Step - Preliminary informal steps to resolve a grievance may, depending on circumstances of the complaint, be waived and the grievance initiated at an appropriate higher step in the process.

Grievances may be initiated without being filed as harassment.

PROCEDURE:

<u>Responsibility</u>	<u>Action</u>
Employee	1. Notifies supervisor and/or Human Resources staff of complaint.
Supervisor	2. Notifies Human Resources staff of complaint.
Human Resources Staff	3. Counsels complainant and outlines options available. 4. Obtains factual written statement of the complaint and presents it to the Human Resources Director and affected department head.

Human Resources Director/
Department Head

5. Authorizes Human Resources staff to conduct investigation of complaint.

Human Resources Director

6. Conducts investigation by interviewing complainant, accused, witnesses and supervisor as appropriate.
7. Make recommendations to Human Resources Director as to disposition of complaint.

Human Resources Director/
Department Head

8. Reviews factual information collected and recommendations made.
9. Takes and/or authorizes appropriate and timely action.